

**Attachment B – Form of Decision
Approving PDS2018-ZAP-96-029W2**



MARK WARDLAW
Director

County of San Diego
PLANNING & DEVELOPMENT SERVICES

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~~October 18, 1996~~
~~February 20, 2001~~
March 21, 2019

PERMITEE:	PLANCOM, INC., ON BEHALF OF AMERICAN TOWERS, LLC.
MINOR USE PERMIT	
MODIFICATION:	PDS2018-ZAP-96-029W2
E.R. NUMBER:	PDS2018-ER-96-02-019B
PROPERTY:	3419 East Vista Way, Vista
APN(s):	126-331-18, 19, 24

DECISION OF THE ZONING ADMINISTRATOR

ORIGINAL MINOR USE PERMIT DECISION (ZAP-96-029)

To GRANT, in substantial conformance with the replacement plot plan dated July 3, 1996, consisting of 5 sheets and approved concurrently herewith, a Minor Use Permit to authorize the construction, operation, and maintenance of a wireless communication facility. The minor impact utility will consist of a 40 foot tall monopole support structure, a maximum of 12 panel antennas, and 9 whip antennas. The total height of the structure including the antenna array will not exceed 53 feet. The facility also includes an equipment structure measuring 20 feet long by 10 feet wide by 10 feet 6 inches high. The site will encompass approximately 800 square feet and will be enclosed by a chain-link fence 6 feet in height and topped with 3 strands of barbed wire.

Also granted is an exception to the height limitations in accordance with Section 4622 of the Zoning Ordinance, and authorize an increase in maximum height from 35 feet to 53 feet.

MODIFICATION TO MINOR USE PERMIT DECISION (ZAP-96-029W1)

To GRANT, in substantial conformance with the replacement plot plan dated July 3, 1996, consisting of 5 sheets and approved concurrently herewith, a Minor Use Permit to authorize the construction, operation, and maintenance of a wireless communication facility. The minor impact utility will consist of a 40 foot tall monopole support structure, a maximum of 12 panel antennas, and 9 whip antennas. The total height of the structure including the antenna array will not exceed 53 feet. The facility also includes an equipment structure measuring 20 feet long by 10 feet wide by 10 feet 6 inches high.

The site will encompass approximately 800 square feet and will be enclosed by a chain-link fence 6 feet in height and topped with 3 strands of barbed wire.

Also granted is an exception to the height limitations in accordance with Section 4622 of the Zoning Ordinance, and authorize an increase in maximum height from 35 feet to 53 feet.

Grant in substantial conformance with the replacement plot plan and elevations dated November 2, 2000, consisting of five (5) sheets, a Minor Use Permit Modification pursuant to Sections 2704b and 7350 et seq; of the Zoning Ordinance to add 12 antennas (40 inches by 10 inches) on the existing 40-foot monopole and to locate an additional equipment cabinet on the site.

MODIFICATION TO MINOR USE PERMIT DECISION (ZAP-96-029W2)

This Minor Use Permit Modification for ZAP-96-029W2 consists of seven sheets including a plot plan, equipment layout, and elevations dated December 11, 2018. This permit modification authorizes the construction, operation and maintenance of a 50-foot tall faux mono-broadleaf. The facility includes an existing emergency backup generator that is located within the seven-foot tall chain-link fence. The 200-square foot CMU enclosure will also house the proposed equipment cabinets, pursuant to Sections 6980 and 7350 of the Zoning Ordinance.

MINOR USE PERMIT MODIFICATION EXPIRATION: This Minor Use Permit Modification shall expire on **March 21, 2021** at 4:00 p.m. (or such longer period as may be approved pursuant to Section 7376 of The Zoning Ordinance of the County of San Diego prior to said expiration date) unless construction or use in reliance on this Minor Use Permit Modification has commenced prior to said expiration date.

~~**MINOR USE PERMIT EXPIRATION:** This Minor Use Permit shall expire on **April 30, 2018** at 4:00 p.m. (or such longer period as may be approved pursuant to Section 7376 of The Zoning Ordinance of the County of San Diego prior to said expiration date) unless construction or use in reliance on this Minor Use Permit has commenced prior to said expiration date.~~

The wireless telecommunication facility is considered a "high visibility" facility; therefore, pursuant to Section 6985(c)(11) of the Zoning Ordinance, this Minor Use Permit shall have a maximum term of 10 years (ending April 30, 2028, at 4:00 p.m.). This may be extended for an additional period of time through modification of this permit if it is found that no smaller or less visible technology is available or feasible to replace the facility at that time.

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SPECIFIC CONDITIONS: Compliance with the following Specific Conditions shall be established before the property can be used in reliance upon this Minor Use Permit. Where specifically indicated, actions are required prior to approval of any grading, improvement, building plan and issuance of grading, construction, building, or other permits as specified:

CONDITIONS FOR ZAP-96-029

Building permit plans must conform in detail to this approved design. Failure to conform can cause delay to or denial of building permits and require formal amendment of this approved design. No waiver of the Uniform Building Code standards or any other code or ordinance is intended or implied.

- A. Prior to obtaining any building or other permit pursuant to this Minor Use Permit, and prior to commencement of construction or use of the property in reliance on this Minor Use Permit, the applicant shall:
 - 1. Pay off all existing deficit accounts associated with processing this application to the satisfaction of the Department of Planning and Land Use and the Department of Public Works.
 - 2. Submit a concept landscape plan to the Director of Planning and Land Use. The concept plan shall show trees at least 15 gallons in size fast growing and medium height (up to 40 feet) evergreen trees and shrubs, at least 5 gallon in size. The intention of the trees and shrubs are to help screen the monopole and related equipment from surrounding neighbors, State Route 76 and East Vista Way. A note shall be included on the plans as to how the trees will be irrigated.
- B. Prior to any occupancy or use of the premises pursuant to this Minor Use Permit, the applicant shall:
 - 1. Furnish to the Director of the Department of Planning and Land Use documentary evidence indicating that the following prerequisite conditions have been satisfied: A1 and A2.
 - 2. Furnish to the Director of the Department of Planning and Land Use documentary evidence that the facility, including the equipment cabinets, monopole, antennas and fencing, have been painted a dark green with a non-reflective finished surface.
 - 3. Furnish to the Director of the Department of Planning and Land Use documentary evidence that the landscaping has been installed in accordance with the concept landscape plan.

Upon certification by the Director of Planning and Land Use for occupancy or establishment of use allowed by this Minor Use Permit, the following conditions shall apply:

1. The parking areas and driveways shall be well maintained.
2. All landscaping shall be adequately watered and well maintained at all times.
3. All painted surfaces shall be well maintained at all times. Any cracked or peeled surfaces shall be repainted in accordance with the approved color and finish.
4. This Minor Use Permit shall expire on October 18, 1997, at 4:00PM unless construction or use in reliance on this Minor Use Permit has commenced prior to said expiration date.

CONDITIONS FOR ZAP-96-029W1:

Building permit plans must conform in detail to this approved design. Failure to conform can cause delay to or denial of building permits and require formal amendment of this approved design. No waiver of the Uniform Building Code standards or any other code or ordinance is intended or implied.

- A. Prior to any occupancy or use of the premises pursuant to this Minor Use Permit Modification, the applicant shall:
 1. Pay off all existing deficit accounts associated with processing this application to the satisfaction of the Department of Planning and Land Use (DPLU).
 2. Submit a concept landscape plan to the Director of Planning and Land Use. The concept plan shall show trees at least 15 gallons in size fast growing and medium height (up to 40 feet) evergreen trees and shrubs, at least 5 gallon in size. The intention of the trees and shrubs are to help screen the monopole and related equipment from surrounding neighbors, State Route 76 and East Vista Way. A note shall be included on the plans as to how the trees will be irrigated.
 3. Submit a concept landscape plan to the Director of Planning and Land Use. The concept plan shall show three Brisbane box trees that are 24 inch box planted to the east of the existing pole.
- B. Prior to any occupancy or use of the premises pursuant to this Minor Use Permit, the applicant shall:

- ~~1. Furnish to the Director of the Department of Planning and Land Use documentary evidence indicating that the following prerequisite conditions have been satisfied: A1 and A2.~~
- ~~2. Furnish to the Director of the Department of Planning and Land Use documentary evidence that the facility, including the equipment cabinets, monopole, antennas and fencing, have been painted a dark green with a non-reflective finished surface.~~
- ~~3. Furnish to the Director of the Department of Planning and Land Use documentary evidence that the landscaping has been installed in accordance with the concept landscape plan.~~
1. Submit evidence (such as photos) to the satisfaction of the Director of Planning and Land Use to show proof that the antennas have been painted a dark green with a non-reflective finished surface to match the existing facility.
2. Submit evidence (such as photos) to the satisfaction of the Director of Planning and Land Use to show proof that trees have been planted to the east of the pole.

Upon certification by the Director of Planning and Land Use for occupancy or establishment of use allowed by this Minor Use Permit, the following conditions shall apply:

5. The parking areas and driveways shall be well maintained.
 6. All landscaping shall be adequately watered and well maintained at all times.
 7. All painted surfaces shall be well maintained at all times. Any cracked or peeled surfaces shall be repainted in accordance with the approved color and finish.
 8. This Minor Use Permit shall expire on October 18, 1997, at 4:00PM unless construction or use in reliance on this Minor Use Permit has commenced prior to said expiration date.
 9. The driveway shall be kept clear of overhanging branches and vegetation to maintain 14 feet of driveway width up to the facility.
 10. If at any time the antennas and equipment are no longer operational, the antennas and the associated equipment must be removed from the site within 60 days.
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SPECIFIC CONDITIONS FOR MINOR USE PERMIT MODIFICATION ZAP-96-029W2

Compliance with the following Specific Conditions shall be established before the property can be used in reliance upon this Minor Use Permit. Where specifically indicated, actions are required prior to approval of any grading, improvement, building plan and issuance of grading, construction, building, or other permits as specified.

ANY PERMIT: *(Prior to the approval of any plan, issuance of any permit, and prior to occupancy or use of the premises in reliance of this permit).*

1. GEN#1–COST RECOVERY

INTENT: In order to comply with Section 362 of Article XX of the San Diego County Administrative Code, Schedule B.5, existing deficit accounts associated with processing this permit shall be paid. **DESCRIPTION OF REQUIREMENT:** The applicant shall pay off all existing deficit accounts associated with processing this permit. **DOCUMENTATION:** The applicant shall provide evidence to Planning & Development Services, Zoning Counter, which shows that all fees and trust account deficits have been paid. No permit can be issued if there are deficit trust accounts. **TIMING:** Prior to the approval of any plan and prior to the issuance of any permit and prior to use in reliance of this permit, all fees and trust account deficits shall be paid. **MONITORING:** The PDS Zoning Counter shall verify that all fees and trust account deficits have been paid.

2. GEN#2–RECORDATION OF DECISION

INTENT: In order to comply with Section 7019 of the Zoning Ordinance, the Permit Decision shall be recorded to provide constructive notice to all purchasers, transferees, or other successors to the interests of the owners named, of the rights and obligations created by this permit. **DESCRIPTION OF REQUIREMENT:** The applicant shall sign, notarize with an 'all-purpose acknowledgement' and return the original recordation form to PDS. **DOCUMENTATION:** Signed and notarized original recordation form. **TIMING:** Prior to the approval of any plan and prior to the issuance of any permit and prior to use in reliance of this permit, a signed and notarized copy of the Decision shall be recorded by PDS at the County Recorder's Office. **MONITORING:** The PDS Zoning Counter shall verify that the Decision was recorded and that a copy of the recorded document is on file at PDS.

OCCUPANCY: *(Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).*

3. GEN#3–INSPECTION FEE

INTENT: In order to comply with Zoning Ordinance Section 7362.e the inspection fee shall be paid. **DESCRIPTION OF REQUIREMENT:** Pay the inspection fee at the [PDS, ZC] to cover the cost of inspection(s) of the property to monitor ongoing conditions associated with this permit. In addition, submit a letter indicating who should be contacted to schedule the inspection. **DOCUMENTATION:** The applicant shall provide a receipt showing that the inspection fee has been paid along with updated contact information [PDS, PCC].

TIMING: Prior to any occupancy, final grading release, or use of the premises in reliance of this permit. **MONITORING:** The [PDS, ZC] shall process an invoice and collect the fee. PDS will schedule an inspection within one year from the date that occupancy or use of the site was established.

4. PLN#1–SITE PLAN IMPLEMENTATION

INTENT: In order to comply with the approved project design indicated on the approved plot plan, the project shall be constructed as indicated on the approved building and construction plans. **DESCRIPTION OF REQUIREMENT:** The site shall conform to the approved Minor Use Permit plot plan and the building plans. This includes, but is not limited to: improving all parking areas and driveways, installing all required design features, painting all structures with the approved colors, antennas set in at least 18-inches from the tip of the faux branches, required and approved signage is installed and located properly, and all temporary construction facilities have been removed from the site. **DOCUMENTATION:** The applicant shall ensure that the site conforms to the approved plot plan and building plans. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the site shall conform to the approved plans. **MONITORING:** The [PDS, BI] and [DPR TC, PP] shall inspect the site for compliance with the approved Building Plans.

5. PLN#2–SITE CONFORMANCE: [PDS, PCC] [UO, FG] [PDS, FEE]

INTENT: In order to verify that the site complies with the County Zoning Ordinance Section 6980 through 6991 (Wireless Telecommunications Section), the site shall substantially comply with the approved plot plans. **DESCRIPTION OF REQUIREMENT:** The site shall be built to substantially comply with the approved plot plans. **DOCUMENTATION:** The applicant shall build the site to comply with the approved plans. Upon completion, the applicant shall provide the photographic evidence to the [PDS, PCC] for review. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the site shall be built to match the approval. **MONITORING:** The [PDS, PCC] shall review the provided photos for compliance with this condition and compliance with the approved plot plans.

6. PLN#3–PHOTOSIMULATION [PDS, FEE]

INTENT: In order to verify that the site complies with the County Zoning Ordinance Section 6980 through 6991 (Wireless Telecommunications Section), the site shall substantially comply with the approved plot plans and photo simulations. **DESCRIPTION OF REQUIREMENT:** The site shall be built to substantially comply with the approved photo simulations dated 12/21/18 to ensure that the site was built to be screened from public view.

- a. Each panel antenna mounted to the faux mono-broadleaf will not extend past the branching
- b. Each panel antenna mounted to the faux mono-broadleaf will be painted green to match the faux branches.

DOCUMENTATION: The applicant shall build the site to comply with the approved plans and the photo simulations. Upon completion, the applicant shall provide the photographic evidence to the [PDS, PCC] for review. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the site shall be built to match the approval. **MONITORING:** The [PDS, PCC] shall review the photos and photo simulations for compliance with this condition.

ONGOING: *(Upon establishment of use the following conditions shall apply during the term of this permit).*

7. NOISE#1–ON-GOING SOUND LEVEL COMPLIANCE: [PDS, CODES] [OG]

INTENT: In order to comply with the applicable sections of Title 3, Division 6, Chapter 4 (County of San Diego Noise Ordinance), the site shall comply with the requirements of this condition. **DESCRIPTION OF REQUIREMENT:** The project shall conform to the following requirements: Minor Use Permit Modification associated activities shall comply with the one-hour average sound level limit property line requirement pursuant to the County Noise Ordinance, Section 36.404. This includes (but not limited to) generator and air conditioner units. **DOCUMENTATION:** The property owner(s) and applicant shall conform to the ongoing requirements of this condition. Failure to conform to this condition may result in disturbing, excessive or offensive noise interfering with a person's right to enjoy life and property and is detrimental to the public health and safety pursuant to the applicable sections of Chapter 4. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [PDS, Code Compliance Division] is responsible for enforcement of this permit.

8. PLN#4–SITE CONFORMANCE

INTENT: In order to comply with Zoning Ordinance Section 7703, the site shall substantially comply with the approved plot plans and all deviations thereof, specific conditions and approved building plans. **DESCRIPTION OF REQUIREMENT:** The project shall conform to the approved building plans, and plot plan(s). This includes, but is not limited to maintaining the following: all parking and driveways areas, painting all necessary aesthetics design features, upkeep of the faux tree, and all lighting wall and required signage. Failure to conform to the approved plot plan(s); is an unlawful use of the land, and will result in enforcement action pursuant to Zoning Ordinance Section 7703. **DOCUMENTATION:** The property owner and permittee shall conform to the approved plot plan. If the permittee or property owner chooses to change the site design in any way, they must obtain approval from the County for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [PDS, Code Compliance Division] is responsible for enforcement of this permit.

9. PLN#5 - SITE CONFORMANCE: [PDS, PCO] [OG].

INTENT: In order to comply with the County Zoning Ordinance Section 6980 through 6991 (Wireless Telecommunications Section), the site shall substantially comply with the requirements of this condition. **DESCRIPTION OF REQUIREMENT:** The project shall conform to the following requirements. This includes, but is not limited to maintaining the following:

- a. Maintain the appearance of the facility and associated equipment enclosure, as depicted in the approved plot plans.
- b. All graffiti on any components of the facility shall be removed promptly in accordance with County regulations. Graffiti on any facility in the public right-of-way must be removed within 48 hours of notification.
- c. All wireless telecommunications sites including antennae and cabinets shall be kept clean and free of litter, display a legible operator's contact number for reporting maintenance problems, and be secured to prohibit unauthorized access.
- d. Wireless telecommunications facilities with use discontinued shall be considered abandoned 90 days following the final day of use. All abandoned facilities shall be physically removed by the facility owner no more than 90 days following the final day of use or determination that the facility has been abandoned, whichever occurs first. All wireless carriers who intend to abandon or discontinue the use of any wireless telecommunications facility shall notify the County of such intention no less than 60 days before the final day of use. The County reserves the right to remove any facilities that are abandoned for more than 90 days at the expense of the facility owner. Any abandoned site shall be restored to its natural or former condition. Grading and landscaping in good condition may remain.
- e. The applicant is responsible for the maintenance and repair of any damage caused by them to on-site and off-site private roads that serve the project.
- f. The antennas shall remain setback at least 18-inches from the edge of the faux branches.
- g. The telecommunication facility shall be inspected annually to ensure it is operating properly and the facility remains undamaged. The applicant shall provide the necessary inspection fee on an annual basis.
- h. The facility and back-up generator shall be maintained and tested only between the hours of 7am to 6pm Monday through Friday, not including holidays.

- i. The applicant is responsible for maintaining the installed landscaping and ensure that the landscaping is adequately screening the chain-link fencing.

DOCUMENTATION: The property owner and applicant shall conform to the ongoing requirements of this condition. Failure to conform to the approved plot plan(s); is an unlawful use of the land, and will result in enforcement action pursuant to Zoning Ordinance Section 7703. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The *[PDS, Code Compliance Division]* is responsible for enforcement of this permit.

ORDINANCE COMPLIANCE NOTIFICATIONS: The project is subject to, but not limited to the following County of San Diego, State of California, and U.S. Federal Government, Ordinances, Permits, and Requirements:

STORMWATER ORDINANCE COMPLIANCE: In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the [San Diego Regional Water Quality Control Board \(RWQCB\)](#) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control [Ordinance No. 10410](#) and all other applicable ordinances and standards for the life of this permit. The project site shall be in compliance with all applicable stormwater regulations referenced above and all other applicable ordinances and standards. This includes compliance with the approved Stormwater Quality Management Plan (SWQMP), all requirements for Low Impact Development (LID), Hydromodification, materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas 1 acre or greater require that the property owner keep additional and updated information onsite concerning stormwater runoff. The property owner and permittee shall comply with the requirements of the stormwater regulations referenced above.

LOW IMPACT DEVELOPMENT NOTICE: The San Diego Regional Water Quality Control Board (SDRWQCB) issued a new Municipal Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES). The requirements of the Municipal Permit were implemented beginning in May 2013 and amended in November 2015. *Project design shall be in compliance with the new Municipal Permit regulations.* The Low Impact Development (LID) Best Management Practices (BMP) Requirements of the Municipal Permit can be found at the following link:

[http://www.sandiegocounty.gov/content/dam/sdc/dpw/WATERSHED_PROTECTION PROGRAM/susmppdf/lid_handbook_2014sm.pdf](http://www.sandiegocounty.gov/content/dam/sdc/dpw/WATERSHED_PROTECTION_PROGRAM/susmppdf/lid_handbook_2014sm.pdf)

The County has provided a LID Handbook as a source for LID information and is to be utilized by County staff and outside consultants for implementing LID in our region. See link below

<http://www.sdcounty.ca.gov/dplu/docs/LID-Handbook.pdf>

STORMWATER COMPLIANCE NOTICE: Updated studies, including Hydro-modification Management Plans for Priority Development Projects, will be required prior to approval of grading and improvement plans for construction pursuant to County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance No. 10410 (N.S.), dated February 26, 2016 and BMP Design Manual. These requirements are subject to periodic adjustment as changes are made to the National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements imposed by the San Diego Regional Water Quality Control Board (Regional Board) on discharges from municipal separate storm sewer systems (MS4). The new MS4 Permit was adopted by the Regional Board on May 8, 2013 and amended on November 18, 2015. The County has begun the process of amending ordinances and taking other action to implement the new MS4 Permit. Additional studies and other action may be needed to comply with the new and future MS4 Permits.

DRAINAGE: The project shall be in compliance with the County of San Diego [Flood Damage Prevention Ordinance No. 10091](#), adopted December 8, 2010.

GRADING PERMIT REQUIRED: A grading permit is required prior to commencement of grading when quantities of excavation or fill results in the movement of material exceeding 200 cubic yards or eight feet (8') in vertical height of cut/fill, pursuant to [Section 87.201 of Grading Ordinance](#).

CONSTRUCTION PERMIT REQUIRED: A Construction Permit and/or Encroachment Permit are required for any and all work within the County road right-of-way. Contact DPW Construction/Road right-of-way Permits Services Section, (858) 694-3275, to coordinate departmental requirements. In addition, before trimming, removing or planting trees or shrubs in the County Road right-of-way, the applicant must first obtain a permit to remove plant or trim shrubs or trees from the Permit Services Section.

TRANSPORTATION IMPACT FEE: The project is subject to County of San Diego Transportation Impact Fee (TIF) pursuant to [County TIF Ordinance number 77.201 – 77.223](#). The Transportation Impact Fee (TIF) shall be paid. The fee is required for the entire project, or it can be paid at building permit issuance for each phase of the project. The fee is calculated pursuant to the ordinance at the time of building permit issuance. The applicant shall pay the TIF at the [PDS, LD Counter] and provide a copy of the receipt to the [PDS, BD] at time of permit issuance.

The undersigned, as the individual(s) with legal authority to fully represent the above-referenced project, concur with the inclusion of the above-listed amendments as conditions of approval of the referenced project.

NOISE ORDINANCE COMPLIANCE: In order to comply with the [County Noise Ordinance 36.401 et seq.](#) and the Noise Standards pursuant to the General Plan Noise Element (Table N-1 & N-2), the property and all of its uses shall comply with the approved plot plans, specific permit conditions and approved building plans associated with this permit. No noise generating equipment and project related noise sources shall produce noise levels in violation of the County Noise Ordinance. The property owner

and permittee shall conform to the approved plot plan(s), specific permit conditions, and approved building plans associated with this permit as they pertain to noise generating devices or activities. If the permittee or property owner chooses to change the site design in any way, they must obtain approval from the County for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance.

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FINDINGS FOR PDS2018-ZAP-96-029W2

(a) The location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures with consideration given to:

1. Harmony in scale, bulk, coverage, and density:

Harmony:

The project is a Minor Use Permit Modification for the construction, operation and maintenance of an unmanned wireless telecommunication facility that consists of 12 panel antennas and 12 Remote Radio Units (RRUs) mounted to a faux mono-broadleaf with a height of 50 feet. The existing 48-foot, 4-inch tall mono-pole will be replaced with the 50-foot faux mono-broadleaf tree. The facility includes an existing emergency backup generator that is located within the seven-foot tall chain-link fence and screened by landscaping. The 200-square foot CMU enclosure will also house the proposed equipment cabinets. The equipment enclosure is designed to have green wall siding and is designed to blend in with the adjacent agriculture buildings. The project is located on a lot which has an existing single-family residence, a reservoir and two agricultural buildings. The nearest off-site residence is 175 feet to the south.

Views of the site from public vantage points (Vista Way) are well buffered and screened due to existing mature trees approximately 30-feet to 65-feet in height. The proposed faux mono-broadleaf tree will be visible from surrounding lands but will blend in with the rural character of the area because it is designed to be similar to vegetation that appears in the vicinity of the project.

Scale / Bulk:

The project area can be characterized as rural residential and agricultural. The area along the eastern, southern and western edge of the property supports a landscape of mature trees. Off-site land surrounding the site can be described as rural residential and agricultural with areas of undeveloped land. Since the 50-foot cellular facility would be camouflaged as a faux mono-broadleaf tree, the color and design would blend into the backdrop of the surrounding hills and trees. Views of the faux mono-eucalyptus and equipment enclosure would be buffered and screened from various vantage points, as the topography and existing vegetation would provide intermittent views of the facility.

Photosimulations on file illustrate that the proposed 50-foot mono-broadleaf tree with antennas and associated equipment enclosure would be in scale and bulk of the surrounding area and therefore would be unobtrusive to the surrounding viewshed. The view from the surrounding area would be minimized as the wireless facility is designed to be camouflaged as a faux tree, set against a background of mature trees approximately 30-feet to 65-feet in height.. The applicant proposes to set the remote radio units directly behind the antennas and entirely within the branching canopy for further concealment. The equipment enclosure is designed to have green wall siding, which would be painted a light earth tone color to match the rural and vegetation setting.

Coverage:

The subject property is approximately 4.2 acres and contains a single family residence, reservoir and two agricultural buildings. The surrounding area is characterized as semi-rural. Surrounding land uses include residential and agricultural on lots that range from one acre to three acres. The existing enclosure is approximately 200 square feet. The total lease area (faux tree and equipment enclosure) is 800 square feet. The lease area for this unmanned wireless telecommunication facility would total approximately 0.02 acres (less than 1% lot coverage). Due to the small footprint, the addition of the telecommunication facility would maintain similar coverage with surrounding parcels.

Density:

The project is a ZAP Modification for the authorization of a wireless telecommunication facility is a commercial use and this project does not have a residential component subject to density.

Therefore, the location, design and operating characteristics of the proposed project would be compatible with adjacent uses and structures with consideration given to scale, bulk, coverage and density.

2. *The availability of public facilities, services, and utilities*

The project is within the jurisdiction of the Vista Fire Protection District. The project is in compliance with Cell Site Policy FP-2 for fire protection. The project does not require sewer service. Electrical and telephone services are available on-site. Therefore, all required services are available for the project.

3. *The harmful effect, if any, upon desirable neighborhood character:*

The project is a Minor Use Permit Modification for the authorization of a wireless telecommunication facility. The facility would include a faux mono-broadleaf tree with a height of 50 feet. Noise would be attenuated with appropriately located and sized concrete block walls. The project site

is located in a semi-rural residential neighborhood on a site with a single family residence, reservoir and two agricultural buildings. The project is approximately 175 feet from the nearest residence.

The project would not adversely affect the desirable neighborhood character because the project involves a wireless telecommunications facility that has been designed to be camouflaged as a faux mono-broadleaf tree. The equipment would be largely shielded from view because it would be completely camouflaged as a faux mono-broadleaf tree and the equipment enclosure is enclosed by a CMU wall, both of which are typical and comparable structure types in the vicinity of the project. Photo-simulations illustrate that the line, form and color of the facility would be largely consistent with other elements that make up the visual setting of the surrounding area, such as existing structures and mature trees. The photo-simulations demonstrate that although the project would be visible from the surrounding areas, it would not be visually intrusive. Additionally, the project was reviewed for potential noise impacts and was determined to be consistent with the county Noise Ordinance. The project would not cause any substantial, demonstrable negative aesthetic effect to views from the surrounding area and roadways. Therefore, the project would not have a harmful effect on the neighborhood character.

4. *The generation of traffic and the capacity and physical character of surrounding streets:*

The project is expected to generate one maintenance trip per month. Existing parking is available on the property. The use is compatible with the existing semi-rural character of the area because the number of maintenance trips would not substantially alter the expected traffic or physical character of the surrounding streets, and would be compatible with adjacent uses. Therefore, the traffic generated by the project would not substantially increase or alter the physical character of the surrounding streets.

5. *The suitability of the site for the type and intensity of use or development, which is proposed:*

The applicant proposed a ZAP Modification for the authorization of an unmanned wireless telecommunication facility. The subject property is developed with access and utility services adequate to serve the proposed use. The proposed wireless telecommunication facility on the approximately 4.2-acre parcel would not require additional access or utility services to serve the project, nor would the project require significant alteration of the existing landform. Therefore, because the project would not change the characteristics of the area, the type and intensity of the proposed use is suitable for the site.

6. Any other relevant impact of the proposed use:

None identified.

(b) The impacts, as described in Findings (a) above, and the location of the proposed use will be consistent with the San Diego County General Plan:

The project is subject to the Regional Category Semi-Rural (SR-2), Land Use Designations. The project complies with the General Plan because civic uses are allowed if they support the local population. In addition, the project would be consistent with the General Plan Land Use Element Policy 15.1 and 15.2 because the siting and design of the proposed facility would blend in with the visual setting of the vicinity, compatible with the existing community character, and would not result in impacts to the natural environment. For these reasons, the project would be consistent with the San Diego County General Plan.

(c) That the requirements of the California Environmental Quality Act have been complied with:

Pursuant to CEQA Guidelines Section 15303, the project is exempt from CEQA because it is an unmanned wireless telecommunication facility that involves the installation of small, new equipment and facilities and structures. It has been determined that the project is not in an environmentally sensitive location; would not have a cumulative effect on the environment; is not on a hazardous waste site, would not cause substantial change in the significance of historical resources and would not result in visual impacts to a scenic highway.

WIRELESS TELECOMMUNICATION FINDING

The project site is a non-preferred location in a non-preferred zone. Pursuant to Section 6986B of the Wireless Telecommunication Facilities Ordinance, the applicant provided an alternate site analysis and discussed preferred locations in the area and why they were not technologically or legally feasible. Due to the camouflaging of the facility and the lack of preferred zones in the surrounding area, the proposed project has been determined to be preferable due to its aesthetic and community character compatibility.

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ORDINANCE COMPLIANCE AND NOTICES: The project is subject to, but not limited to the following County of San Diego, State of California, and US Federal Government, Ordinances, Permits, and Requirements:

NOISE ORDINANCE COMPLIANCE: In order to comply with the [County Noise Ordinance 36.401](#) et seq. and the Noise Standards pursuant to the General Plan Noise Element (Table N-1 & N-2), the property and all of its uses shall comply with the approved plot plans, specific permit conditions and approved building plans associated with this permit. No noise generating equipment and project related noise sources shall produce noise levels in violation of the County Noise Ordinance. The property owner and permittee shall conform to the approved plot plan(s), specific permit conditions, and

approved building plans associated with this permit as they pertain to noise generating devices or activities. If the permittee or property owner chooses to change the site design in any way, they must obtain approval from the County for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance.

COMPLIANCE INSPECTION: In order to comply with Zoning Ordinance Section 7362.e the County shall inspect the Use Permit property for compliance with the terms of this Use Permit. The County Permit Compliance Officer will perform a site inspection and review the on-going conditions associated with this permit. The inspection shall be scheduled no later than the six months subsequent to establishing the intended use of the permit. If the County determines the applicant is not complying with the Minor Use Permit terms and conditions the applicant shall allow the County to conduct follow up inspections more frequently than once every twelve months until the County determines the applicant is in compliance. The Property Owner/Permittee shall allow the County to inspect the property for which the Minor Use Permit has been granted, at least once every twelve months, to determine if the Property Owner/Permittee is complying with all terms and conditions of the Use Permit. This requirement shall apply during the term of this permit.

STORMWATER COMPLIANCE NOTICE: Updated studies, including Hydro-modification Management Plans for Priority Development Projects, will be required prior to approval of grading and improvement plans for construction pursuant to County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance No. 10410 (N.S.), dated February 26, 2016 and BMP Design Manual. These requirements are subject to the MS4 Permit issued by the Regional Water Quality Control Board, Order No. R9-2013-0001 and any subsequent order. Additional studies and other action may be needed to comply with future MS4 Permits.

GRADING PERMIT REQUIRED: A grading permit is required prior to commencement of grading when quantities of excavation or fill results in the movement of material exceeding 200 cubic yards or eight feet (8') in vertical height of cut/fill, pursuant to Section 87.201 of Grading Ordinance.

CONSTRUCTION PERMIT REQUIRED: A Construction Permit and/or Encroachment Permit are required for any and all work within the County road right-of-way. Contact PDS Construction/Road right-of-way Permits Services Section, (858) 694-3284, to coordinate departmental requirements. In addition, before trimming, removing or planting trees or shrubs in the County Road right-of-way, the applicant must first obtain a permit to remove plant or trim shrubs or trees from the Permit Services Section.

ENCROACHMENT PERMIT REQUIRED: An Encroachment Permit is required for any and all proposed/existing facilities within the County right-of-way. At the time of construction of future road improvements, the proposed facilities shall be relocated at no cost to the County, to the satisfaction of the Director of Public Works.

EXCAVATION PERMIT REQUIRED: An excavation permit is required for undergrounding and/or relocation of utilities within the County right-of-way.

TRANSPORTATION IMPACT FEE: The project is subject to County of San Diego Transportation Impact Fee (TIF) pursuant to County [TIF Ordinance number 77.201 – 77.223](#). The Transportation Impact Fee (TIF) shall be paid. The fee is required for the entire project, or it can be paid at building permit issuance for each phase of the project. The fee is calculated pursuant to the ordinance at the time of building permit issuance. The applicant shall pay the TIF at the [DPW, Land Development Counter] and provide a copy of the receipt to the [PDS, Building Division Technician] at time of permit issuance.

NOTICE: THE ISSUANCE OF THIS PERMIT BY THE COUNTY OF SAN DIEGO DOES NOT AUTHORIZE THE APPLICANT FOR SAID PERMIT TO VIOLATE ANY FEDERAL, STATE, OR COUNTY LAWS, ORDINANCES, REGULATIONS, OR POLICIES INCLUDING, BUT NOT LIMITED TO, THE FEDERAL ENDANGERED SPECIES ACT AND ANY AMENDMENTS THERETO.

NOTICE: The project was found to be “Exempt” from the California Environmental Quality Act (CEQA), therefore no fee is required.

NOTICE: The project will be required to pay the Department of Planning and Land Use Mitigation Monitoring and Condition Review Fee. The fee will be collected at the time of the first submittal for Condition Satisfaction to DPLU, including Mitigation Monitoring requests. The amount of the fee will be determined by the current Fee Ordinance requirement at the time of the first submittal and is based on the number of DPLU conditions that need to be satisfied. The fee amount will only be paid one time for those conditions that are indicated with the [DPLU, FEE] designator. The fee will not apply to subsequent project approvals that require a separate submittal fee such as, Revegetation and Landscape Plans, Resource (Habitat) Management Plans, Habitat Loss Permits, Administrative Permits, Site Plans, and any other discretionary permit applications.

EXPLANATION OF COUNTY DEPARTMENT AND DIVISION ACRONYMS			
Planning & Development Services (PDS)			
Project Planning Division	PPD	Land Development Project Review Teams	LDR
Permit Compliance Coordinator	PCC	Project Manager	PM
Building Plan Process Review	BPPR	Plan Checker	PC
Building Division	BD	Map Checker	MC
Building Inspector	BI	Landscape Architect	LA
Zoning Counter	ZO		
Department of Public Works (DPW)			
Private Development Construction Inspection	PDCI	Environmental Services Unit Division	ESU
Department of Environmental Health (DEH)			
Land and Water Quality Division	LWQ	Local Enforcement Agency	LEA
Vector Control	VCT	Hazmat Division	HMD

Department of Parks and Recreation (DPR)			
Trails Coordinator	TC	Group Program Manager	GPM
Parks Planner	PP		
Department of General Service (DGS)			
Real Property Division	RP		

APPEAL PROCEDURE: Within ten calendar days after the date of this Decision of the Planning Commission, the decision may be appealed to the Board of Supervisors in accordance with [Section 7366 of the County Zoning Ordinance](#). An appeal shall be filed with the Director of Planning & Development Services or by mail with the Secretary of the Planning Commission within TEN CALENDAR DAYS of the date of this notice AND MUST BE ACCOMPANIED BY THE DEPOSIT OR FEE AS PRESCRIBED IN THE DEPARTMENT'S FEE SCHEDULE, PDS FORM #369, pursuant to Section 362 of the San Diego County Administrative Code. If the tenth day falls on a weekend or County holiday, an appeal will be accepted until 4:00 p.m. on the following day the County is open for business. Filing of an appeal will stay the decision of the Director until a hearing on your application is held and action is taken by the Planning Commission. Furthermore, the 90-day period in which the applicant may file a protest of the fees, dedications or exactions begins on the date of approval of this Decision.

COUNTY OF SAN DIEGO PLANNING COMMISSION
MARK WARDLAW, SECRETARY

BY:

Mark Slovick, Deputy Director
Project Planning Division
Department of Planning & Development Services

cc:

Verizon Wireless, 15505 Sand Canyon Ave, Irvine, CA 92618
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